

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, and on behalf of co-inventor Martin Lee (64 Princes Street, Oxford, England, Citizenship British), I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## MEDICINAL COMBINATION USEFUL FOR IN VIVO EXOGENIC TRANSFECTION AND EXPRESSION

the international specification of which was filed on February 12, 1996 as Application Serial No. PCT/FR96/00218 which notice of transmission was given on August 22, 1996, by the International Bureau. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of a foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

| Prior Foreign Applications(s) |           |                        | Priority Claimed |               |
|-------------------------------|-----------|------------------------|------------------|---------------|
| FR95/01662                    | France    | 14 February 1995       | <u>X</u>         | <u>      </u> |
| (Number)                      | (Country) | (Day/Month/Year Filed) | Yes              | No            |
| <hr/>                         |           |                        |                  |               |
| (Number)                      | (Country) | (Day/Month/Year Filed) | Yes              | No            |

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

|                          |               |                                         |
|--------------------------|---------------|-----------------------------------------|
| (Application Serial No.) | (Filing Date) | (Status-Patented, Pending or Abandoned) |
| <hr/>                    |               |                                         |
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

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and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (We) hereby appoint the attorneys associated with the Customer Number provided below as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer No.: 005487  
Direct Telephone Calls to: (610) 454-3839

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| FRANCE                 | Same                   |
| State (Zip) or Country | State (Zip) or Country |

|      |           |
|------|-----------|
| Date | Signature |
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| Lucienne CHATENOU        | French                 |
| Second Inventor          | Citizenship            |
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| City                     | City                   |
| FRANCE                   | Same                   |
| State (Zip) or Country   | State (Zip) or Country |

|      |           |
|------|-----------|
| Date | Signature |
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|------------------------------|------------------------|
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| Third Inventor               | Citizenship            |
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| City                         | City                   |
| <u>FRANCE</u>                | <u>Same</u>            |
| State (Zip) or Country       | State (Zip) or Country |
| <u>Date</u>                  | <u>Signature</u>       |

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|                            |                        |
|----------------------------|------------------------|
| <u>Jean-François BACH</u>  | <u>French</u>          |
| Fourth Inventor            | Citizenship            |
| <u>180 rue de Grenelle</u> | <u>Same</u>            |
| Residence Address          | Post Office Address    |
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| City                       | City                   |
| <u>FRANCE</u>              | <u>Same</u>            |
| State (Zip) or Country     | State (Zip) or Country |

|             |                  |
|-------------|------------------|
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|-------------|------------------|

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|                           |                        |
|---------------------------|------------------------|
| <u>Michelle WEBB</u>      | <u>British</u>         |
| Fifth Inventor            | Citizenship            |
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| City                      | City                   |
| <u>ENGLAND</u>            | <u>Same</u>            |
| State (Zip) or Country    | State (Zip) or Country |

|                |                 |
|----------------|-----------------|
| <u>12.4.98</u> | <u>M C Webb</u> |
| Date           | Signature       |
| <u>12/4/98</u> | <u>M C Webb</u> |

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31 rue de Chartres Same  
Residence Address Post Office Address

28320 Ecrosnes Same  
City City

FRANCE Same  
State (Zip) or Country State (Zip) or Country

Date May 5<sup>th</sup>, 1998 Signature Michel Perricaudet  
=====

Lucienne CHATENOUD French  
Second Inventor Citizenship

160 Avenue de Versailles Same  
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75016 Paris Same  
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| State (Zip) or Country       | State (Zip) or Country   |
| Date <u>11/05/98</u>         | Signature <u>Haddada</u> |
| =====                        |                          |
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Date 6/5/98 Signature

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State (Zip) or Country

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DateSignature

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27 OCT 1998



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Patent Cooperation Treaty  
Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
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Rhone-Poulenc Rorer Inc.  
P.O. Box 5093, Mail Drop 3C43  
Collegeville, PA 19426-0997

NOV - 2 1998

COMPUTER ENTERED

In re Application of  
PERRICAUDET et al  
Application No.: 08/894,246  
PCT No.: PCT/FR96/00218  
Int. Filing Date: 12 February 1996  
Priority Date: 14 February 1995  
Attorney's Docket No.: EX95001-US  
For: MEDICAL COMBINATION USEFUL FOR  
IN VIVO EXOGENIC TRANSFECTION AND  
EXPRESSION

:  
: DECISION ON  
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: PETITION  
:  
: UNDER 37 CFR 1.47(a)  
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This decision is in response to applicants' " PETITION UNDER 35 U.S.C. §118 AND 37 C.F.R. § 1.47(a)" filed 22 May 1998, seeking the acceptance of the application without the signature of the co-inventor Martin Lee.

BACKGROUND

Applicant has filed a declaration by Paul Fehlner attesting that he sent a complete copy of the application papers to Martin Lee and that in a telephone conversation he indicated that he would not sign the papers. Applicant also filed a declaration signed by the co-inventors on their behalf and on behalf of Martin Lee.

DISCUSSION

The application and papers have been reviewed and have been found to be in compliance with 37 CFR 1.47(a). The steps enumerated by Mr. Fehlner are sufficient to establish that the Mr. Lee has refused to sign the declaration.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

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The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given an international filing date of 12 February 1996 under 35 U.S.C. 363, and a date of 22 May 1998 under 35 U.S.C. 371(c) and 102(e).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Office

LES:ls

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